



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : David L. Chapek
Serial No. : 09/605,293
Filed : June 28, 2000
Title : SEMICONDUCTOR DEVICES INCLUDING A LAYER OF
POLYCRYSTALLINE SILICON HAVING A SMOOTH
MORPHOLOGY
Docket No. : MIO 0037 VA (98-0831.01)
Examiner : N.Drew Richards
Art Unit : 2815

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 16, 2005.

Susan M. Luna
Agent Reg. No. 38,769

NOTICE OF APPEAL UNDER 37 CFR 41.31

This Notice of Appeal is being filed in response to the Office Action mailed October 4, 2005, advising that prosecution has been reopened in view of the Appeal Brief filed on July 19, 2005. Applicant notes that while the Examiner referred to §1.193(b)(2) in presenting applicant's options for responding, this rule was replaced in 2004 by 37 CFR, Part 41. MPEP §1207.04 states that the applicant must initiate a new appeal by filing a new notice of appeal under 37 CFR 41.31, followed by filing an appeal brief under 37 CFR 41.37. Accordingly, applicant is submitting herewith this new Notice of Appeal, and a new Appeal Brief is being filed separately herewith. Applicant wishes to apply the previously paid notice of appeal fee and appeal brief fee to the new appeal. No new fee payment is required.

Respectfully submitted,

DINSMORE & SHOHL LLP

By *Susan M. Luna*
Susan M. Luna
Registration No. 38,769

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: 937/449-6429
Facsimile: 937/449-6405